

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 KEENAN G. WILKINS,) No. C 11-2704 LHK (PR)
12 Plaintiff,) ORDER CERTIFYING THAT
13 v.) APPEAL IS NOT TAKEN IN
14 COUNTY OF ALAMEDA, et al.,) GOOD FAITH
15 Defendants.)
16 _____)

17 This is a Section 1983 action brought by an inmate proceeding *pro se*. Plaintiff was
18 granted leave to proceed in forma pauperis (“IFP”). On September 29, 2011, the Court
19 dismissed Plaintiff’s amended complaint with leave to amend for violating Federal Rules of Civil
20 Procedure 18 and 20. After requesting two extensions of time, Plaintiff filed a second amended
21 complaint. On May 1, 2012, the Court dismissed Plaintiff’s second amended complaint for
22 failing to cure the deficiencies pointed out in its previous order dismissing the amended
23 complaint with leave to amend. On May 9, 2012, Plaintiff filed a notice of appeal.

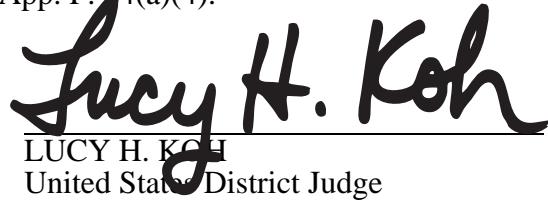
24 Rule 24(a)(3) of the Federal Rules of Appellate Procedure provides that a party granted
25 leave to proceed IFP in district court may continue in that status on appeal unless the district
26 court certifies that the appeal is not taken in good faith. Section 1915(a)(3) of Title 28 of the
27 United States Code similarly provides that an appeal may not be taken IFP if the trial court
28 certifies it is not taken in good faith. “Not taken in good faith” means “frivolous.” *Ellis v.*

1 *United States*, 356 U.S. 674, 674-75 (1958); *Hooker v. American Airlines*, 302 F.3d 1091, 1092
2 (9th Cir. 2002) (order).

3 Because the Court's ruling was clearly correct, it is CERTIFIED that this appeal is
4 frivolous and therefore not taken in good faith. The Clerk shall notify Plaintiff forthwith and the
5 Court of Appeal of this order. *See* Fed. R. App. P. 34(a)(4).

6 IT IS SO ORDERED.

7 DATED: 5/22/12


LUCY H. KOH
United States District Judge